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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

CIVIL NO.

DANIEL WARD,	)	
Plaintiff	)	
	)	COMPLAINT
v.	)	
	)	
VAPOR TECH	)	
HAWAII, INC.	)	
Defendant	)	
_____	)	

Plaintiff DANIEL WARD, through his undersigned counsel, avers  
and alleges:

JURISDICTION AND VENUE

1. This court has original jurisdiction pursuant to 28 U.S.C. Section 1331 through the federal question raised herein, namely the alleged violation of the Americans With Disabilities Act of 1990 (hereinafter “ADA”), 42 U.S.C. Section 12101 et seq.
2. All events material hereto occurred within the District of Hawaii.
3. Plaintiff DANIEL WARD is a person with a disability, namely spinal cord-injured quadriplegia.

VIOLATION OF 42 U.S.C. § 12101 ET. SEQ.

4. According to 28 CFR part 36, the defendant VAPOR TECH HAWAII, INC., is a “public accommodation” which is operating a “place of public accommodation,” namely a pawn store, located at 518 California Ave., Wahiawa, City & County of Honolulu, Hawaii, and thereby falls under the ambit of the ADA, 42 U.S.C. Section 12101 et seq.

5. Accordingly the defendant VAPOR TECH HAWAII, INC., is amenable to suit by the plaintiff for violation of the ADA.

6. The defendant VAPOR TECH HAWAII, INC., has violated and is violating the ADA by denying the plaintiff equal accommodations and has not complied with the ADA final rules, 28 CFR part 36, Subpart C, by failing to eliminate readily achievable barriers to equal accessibility, including but not limited to:

a) no accessible route and no accessible parking.

THEREFORE, PLAINTIFF RESPECTFULLY REQUESTS THE COURT: enter judgment for the plaintiff and against the defendant VAPOR TECH HAWAII, INC., and order the following relief:

A) An injunction ordering the defendant VAPOR TECH HAWAII, INC.,’s full compliance with the ADA within one hundred eighty (180) days;

B) Payment of plaintiff’s litigation costs, including reasonable expert and attorney’s fees; and

D) Such other relief as the court deems proper.

DATED: Honolulu, Hawaii, January 19, 2019.

/s/ LUNSFORD DOLE PHILLIPS